

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 HUMBERTO AMEZCUA and
5 OCTAVIOS RENE VAZQUEZ
6 CORNEJO,

7 Plaintiffs,

8 v.

9 JORDAN TRANSPORT, INC.; LOU ANNE
10 BOON; GERARD BOON; and FEDEX
11 CUSTOM CRITICAL, INC.,

12 Defendants.

Case No. 2:13-cv-01608-APG-CWH

**ORDER REGARDING TRANSCRIPTS
FOR APPEAL**

(ECF No. 195)

13 The plaintiffs filed an appeal and designated various portions of the district court record.
14 The defendants responded by designating transcripts of the entire trial. The defendants contend
15 that the plaintiffs have failed to properly notify them as to what issues they intend to pursue on
16 appeal, thus making it impossible for the defendants to designate less than the entire transcript.
17 ECF No. 197. The plaintiffs subsequently filed their "Certificate Regarding Transcripts" (ECF
18 No. 195) under Ninth Circuit Rule 10-3.1(f). That rule states:

19 If appellee notifies appellant that additional portions of the transcript are required
20 pursuant to Circuit Rule 10-3.1(b), appellant shall make arrangements with the
21 court reporter to pay for these additional portions unless appellant certifies that
22 they are unnecessary to the appeal and explains why not.

23 If such a certificate is filed in the district court, with copies to the court reporter
24 and this Court, the district court shall determine which party shall pay for which
25 portions of the transcript. . . .

26 The plaintiffs' Certificate does not explain why the additional transcripts requested by the
27 defendants are unnecessary to the appeal. The plaintiffs say only that they "have identified and
28 ordered all of the transcripts which are germane to the issues on appeal" ECF No. 195 at 1.
This conclusory statement does not offer the explanation required by Rule 10-3.1(f). Nor does it
allow the defendants or me to evaluate each side's request for transcripts. Accordingly, because

1 the plaintiffs have not met their burden under the rule, I determine that the plaintiffs shall pay for
2 the entire transcripts.

3 IT IS THEREFORE ORDERED that the plaintiffs shall pay for the entire transcripts.

4 DATED this 6th day of September, 2017.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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